

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY 88 AMOUNT OF FEE 1462.67

RECEIPT # 1200309732

DATE HEARD: 9/23/03

BY CZAB # 15

RECEIVED  
OCT 02 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY Adriana Caceres  
DATE RECEIVED STAMP

\*\*\*\*\*  
This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 702-377

MANUEL C. DIAZ, EMILIA F. DIAZ, DIAZ LANDSCAPING  
Filed in the name of (Applicant) & NURSERY, INC.

Name of Appellant, if other than applicant SAME AS ABOVE.

Address/Location of APPELLANT'S property: Lying South and North of S.W. 232 Street (Silver Palm) and lying between S.W. 112 Avenue and theoretical S.W. 119 Avenue Miami Dade County, Florida.

Application, or part of Application being Appealed (Explanation):

Appeal of denial of entire application for zone change from AU to RU-1MA, RU-TH and RU-3M.

Appellant (name): MANUEL C. DIAZ, EMILIA F. DIAZ, DIAZ LANDSCAPING & NURSERY, INC.

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language) CZAB 15's decision to deny the application is not supported by competent substantial evidence. The application enjoys the unanimous recommendation of approval by the Developmental Impact Committee. The requested zone changes are consistent with the Comprehensive Development Master Plan (CDMP) residential designation for the subject property. The proposed development is consistent with the applicable CDMP goals, objectives, and policies. The application complies with all zoning requirements. The proposed development will be compatible with the surrounding area and with approvals of similarly situated property in the area. The application will not be contrary to the public interest.

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF FLORIDA

COUNTY OF MIAMI DADE

Before me the undersigned authority, personally appeared MANUEL C. DIAZ  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☐ 1. Participation at the hearing  
☒ 2. Original Applicant  
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Silvia Ramos  
Signature

SILVIA RAMOS  
Print Name

Betsy Johns  
Signature

BETSY JOHNS  
Print Name

Manuel C. Diaz  
Appellant's signature  
MANUEL C. DIAZ

Print Name

Sworn to and subscribed before me on the 1<sup>st</sup> day of OCTOBER, year 2003.

Appellant is personally know to me or has produced \_\_\_\_\_ as  
identification.



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

Gilda Zubizarreta  
Notary  
(Stamp/Seal)

Commission Expires: 7/19/06

## APPELLANT MUST SIGN THIS PAGE

Date: 1st day of OCTOBER, year: 2003.

Signed

MANUEL C. DIAZ

Print Name

23705 S.W. 117th Avenue  
Homestead, Florida 33032

Mailing Address

305-258-5083

Phone

305-258-0310

Fax

## REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an  
association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 1<sup>ST</sup> day of OCTOBER, year 2003Gilda Zubizarreta  
Notary PublicGilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

(stamp/seal)

Commission expires: 7/19/06

## APPELLANT MUST SIGN THIS PAGE

Date: 1st day of OCTOBER, year 2003.

Signed

DIAZ LANDSCAPING & NURSERY, INC.

Print Name

23705 S.W. 117th Avenue  
Homestead, Florida 33032

Mailing Address

305-258-5083

Phone

305-258-0310

Fax

## REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an  
association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 1<sup>st</sup> day of OCTOBER, year 2003

Gilda Zubizarreta  
Notary Public

Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

(stamp/seal)

Commission expires: 7/19/06

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF FLORIDACOUNTY OF MIAMI DADE

Before me the undersigned authority, personally appeared DIAZ LANDSCAPING & NURSERY, INC.  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☐ 1. Participation at the hearing  
☒ 2. Original Applicant  
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Silvia Ramos  
Signature

SILVIA RAMOS  
Print Name

Betsy Johns  
Signature

BETSY JOHNS  
Print Name

Manuel Diaz  
Appellant's signature

MANUEL C. DIAZ  
PRESIDENT OF DIAZ LANDSCAPING & NURSERY, INC.  
Print Name

Sworn to and subscribed before me on the 1<sup>ST</sup> day of OCTOBER, year 2003.

Appellant is personally know to me or has produced \_\_\_\_\_ as  
identification.



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

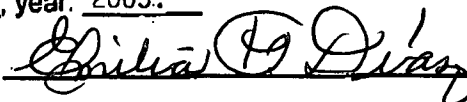
Gilda Zubizarreta  
Notary  
(Stamp/Seal)

Commission Expires: 7/19/06

## APPELLANT MUST SIGN THIS PAGE

Date: 1st day of OCTOBER, year: 2003.

Signed



EMILIA F. DIAZ

Print Name

Mailing Address

305-258-5083

Phone

305-258-0310

Fax

## REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an  
association or other entity, so indicate:

Representing

Signature

Print Name

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 1st day of OCTOBER, year 2003

Notary Public

(stamp/seal)



Gilda Zubizarreta

My Commission DD123738

Expires July 19, 2006

Commission expires: 7/19/06

**APPELLANT'S AFFIDAVIT OF STANDING**  
(must be signed by each Appellant)

STATE OF FLORIDACOUNTY OF MIAMI DADE

Before me the undersigned authority, personally appeared EMILIA F. DIAZ  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☐ 1. Participation at the hearing  
☒ 2. Original Applicant  
☐ 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

**Witnesses:**

Silvia Ramos  
Signature

SILVIA RAMOS  
Print Name

Betsy Johns  
Signature

BETSY JOHNS  
Print Name

Emilia F. Diaz  
Appellant's signature

EMILIA F. DIAZ  
Print Name

Sworn to and subscribed before me on the 1<sup>st</sup> day of OCTOBER, year 2003.

Appellant is personally know to me or has produced \_\_\_\_\_ as  
identification.



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

Gilda Zubizarreta  
Notary  
(Stamp/Seal)

Commission Expires: 7/19/06

18 56 40  
Sec. Twp. Range

**ZONING HEARING APPLICATION  
MIAMI-DADE COUNTY  
DEPARTMENT OF PLANNING & ZONING**

**RECEIVED**  
DEC - 6 2002

ZONING HEARING APPLICATION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY [Signature]  
Date Received

LIST ALL FOLIO #S: See attached Exhibit A

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Manuel C. Diaz, Emilia F. Diaz, and Diaz Landscaping & Nursery, Inc. f/k/a  
Allapattah Investments, Inc.

**2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:**

Mailing Address: c/o Miguel Diaz de la Portilla, Esq., Duane Morris LLP, 200 South Biscayne Blvd., Suite 3400  
City: Miami State: FL Zip: 33131 Phone#: 305.960.2235

**3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:**

Owner's Name (Provide name of ALL owners): Same as Applicant  
Mailing Address: c/o Miguel Diaz de la Portilla, Esq., Duane Morris LLP, 200 South Biscayne Blvd., Suite 3400  
City: Miami State: FL Zip: 33131 Phone#: 305.960.2235

**4. CONTACT PERSON'S INFORMATION:**

Name: Miguel Diaz de la Portilla, Esq. Company: Duane Morris LLP  
Mailing Address: 200 S. Biscayne Blvd., Suite 3400  
City: Miami State: FL Zip: 33131  
Phone#: 305.960.2235 Fax#: 305.960.2201 E-mail: mdportilla@duanemorris.com

**5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION**

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

See attached Exhibit B



EXHIBIT A

FOLIO NO

30 6018 000 0430  
30 6018 000 0571  
30 6019 001 0010  
30 6019 001 0020  
30 6019 003 0010  
30 6019 003 0020  
30 6019 004 0010  
30 6018 000 0561  
30 6924 000 0050  
30 6924 000 1745  
30 6019 000 0060  
30 6019 000 0020

## **Exhibit B**

### **PHASE I**

PARCEL 1( #4, #6, #12, #17 )

All of Northwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County Florida, Less the following:

Beginning at the Southwest corner of the NW  $\frac{1}{4}$ , run North  $0^{\circ}36'32''$  West along West line of said NW  $\frac{1}{4}$  for 530.0 feet; thence run North  $89^{\circ}28'16''$  East parallel to the South line of said NW  $\frac{1}{4}$  for 231.35 feet; thence run North  $86^{\circ}50'49''$  East for 436.68 feet to a point on the East line of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said NW  $\frac{1}{4}$ , thence North  $0^{\circ}32'21''$  West along said East line 30.00 feet; thence run North  $89^{\circ}28'16''$  East parallel to the South line of said NW  $\frac{1}{4}$  for 333.82 feet to the East line of the West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the said NW  $\frac{1}{4}$ , thence South  $0^{\circ}30'15''$  East along said East line for 580.00 feet to the South line of the said NW  $\frac{1}{4}$ , thence South  $89^{\circ}28'16''$  West along said South line for 1000.39 feet to the Point of Beginning.

LESS

West  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ;

LESS

South 264 feet of East  $\frac{5}{8}$  of NW  $\frac{1}{4}$ ;

LESS

North  $\frac{3}{4}$  of NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ;

LESS

East 50 feet of NW  $\frac{1}{4}$ ;

LESS

West 35 feet of NW  $\frac{1}{4}$ ;

LESS

A portion of the Northwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of Section 19; thence North  $00^{\circ}36'32''$  West along the West line of the said Northwest  $\frac{1}{4}$  of Section 19 for 530.00 feet; thence North  $89^{\circ}28'16''$  East for 35.00 feet to a point on the East Right-of-way line of S. W. 117th Avenue,

said point being the Point of Beginning of the parcel herein described; thence from the above established Point of Beginning run North 00°36'32" West along the said East Right-of-way line of S. W. 117th Avenue for 293.48 feet to a point on the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 19; thence North 89°22'40" East along the said North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 632.94 feet to the Northeast corner of the said South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence North 00°32'20" West along the West line of the West 1/2 of the Northeast 1/4 of the said Southwest 1/4 of the Northwest 1/4 of Section 19 for 494.71 feet to the Northwest corner of the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence North 89°19'19" East along the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 334.27 feet to the Northeast corner of the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence South 00°30'14" East along the East line of the West 1/2 of the East 1/2 of the Southwest 1/4 of the said Northwest 1/4 of Section 19 for 740.10 feet; thence South 89°28'16" West for 333.82 feet to a point on the East line of the Southwest 1/4 of the said Southwest 1/4 of the Northwest 1/4 of Section 19; thence South 00°32'20" East along the said East line of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 30.00 feet; thence South 86°50'49" West for 436.68 feet; thence South 89°28'16" West for 196.35 feet to the Point of Beginning.

AND

That part of the East 1/2 of the SE1/4 of SW1/4 of SW1/4 of Section 18, Township 56 South, Range 40 East, lying South of Bailes Road, per Clerk's File No 64R-189139.

AND

The West 1/2 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of Section 18, Township 56 South, Range 40 East lying South of Bailes Road, lying and being in Miami-Dade County, Florida.

AND

Tract 6, Less the West 103 feet thereof, of SOUTH MIAMI GARDENS, SECOND AMENDED PLAT, according to the Plat thereof, as recorded in Plat Book 48, at page 28 of the Public Records of Miami-Dade County, Florida.

PARCEL 1A

The West 1/2 of the Northeast 1/4 of the Northwest 1/4 of the Northwest 1/4 of Section 19, Township 56 South, Range 40 East lying and being in Miami-Dade County, Florida.

PARCEL 2 ( # 98 )

The South 2/5 of the NE1/4 of the SW1/4, less the East 50 feet; and the South 2/5 of the East 1/4 of the NW1/4 of the SW1/4; and the South 2/5 of the West 1/2 of the East 1/2 of the NW1/4 of the

SW 1/4, all in Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida.

PARCEL 3 ( # 14 and # 15 )

Tract 5, Less the West 132 feet and Less the East 25 feet thereof, according to the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 31, at page 58 of the Public Records of Miami-Dade County, Florida.

Tract 1, of FLORENCE B. HOLFERTY'S FARM, according to the Plat thereof, as recorded in Plat Book 51 at page 24 of the Public Records of Miami-Dade, County, Florida, Less the following Parcel, to-wit: Begin 25 feet East of the Northwest corner of said Tract 1, thence East 107.65 feet, thence South 107 feet, thence West 107.65 feet, thence North 107 feet to the Point of Beginning.

PARCEL 4 ( # 5 )

The West 1/2 of SE 1/4 of SW 1/4 of the SW 1/4 Less that part lying North of Bailes Road, Section 18, Township 56 South, Range 40 East, Miami-Dade County, Florida, said property being more particularly described as follows:

A portion of the SW 1/4 of Section 18, Township 56 South, Range 40 East, Miami-Dade County, Florida being more particularly described as follows:

Commence at the Southwest corner of said SW 1/4 of Section 18; thence along the South line of said SW 1/4, N89°10'24" East, 670.16 feet to a point of intersection with the West line of the SE 1/4 of the SW 1/4 of the SW 1/4 of Section 18; thence along said West line N1°26'19" West, 40.00 feet to a point on the North Right of way line of the zoned right of way of SW 232nd Street, said point also being the Point of Beginning of the following described parcel of land; thence continue N1°26'19" West, 179.97 feet to a point of intersection with the Southerly right of way line of Bailes Road; thence along said Southerly right of way line S74°50'58" East, 341.74 feet; thence continue along said Southerly right of way line S62°23'21" East, 8.89 feet to a point of intersection with the East line of the West 1/2 of the SE 1/4 of the SW 1/4, of the SW 1/4 of Section 18; thence along said East line S1°19'57" East, 81.66 feet to a point of intersection with the aforementioned North right of way line of the zoned right of way of SW 232nd Street; thence along said North right of way line lying 40.00 feet, as measured at right angles; North of and parallel with the South line of said SW 1/4 of Section 18, S89°10'24" West, 335.15 feet to the Point of Beginning.

PARCEL 5

The South 107 feet of the West 107.65 feet, Less the East 25 feet of Tract 1 of AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 31, at page 58 of the Public Records of Miami-Dade County, Florida.

## **PHASE II**

### **PARCEL 1 ( #11 )**

All of Tract 1 of the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat book 31, at page 58 of the Public Records of Miami-Dade County, Florida, Less the South 107 feet of the West 107.65 feet, and Less the East 25 feet; And

All of Tract 7 of the 2 ND AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 48, at page 28 of the Public Records of Miami-Dade County, Florida.

### **PARCEL 2 ( # 7 )**

The North 262 feet of the East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida.

### **PARCEL 3 ( # 44 )**

The East  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  in Section 24, Township 56 South, Range 39 East, Less the East 35 feet thereof, lying and being in Miami-Dade County, Florida.

### **PARCEL 4 ( # 45 )**

The North 902.55 feet of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  in Section 24, Township 56 South, Range 39 East, Less the East 35 feet thereof, lying and being in Miami-Dade County, Florida.

### **PARCEL 5**

A portion of the Northwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of Section 19; thence North  $00^{\circ}36'32''$  West along the West line of the said Northwest  $\frac{1}{4}$  of Section 19 for 530.00 feet; thence North  $89^{\circ}28'16''$  East for 35.00 feet to a point on the East Right-of-way line of S. W. 117th Avenue, said point being the Point of Beginning of the parcel herein described; thence from the above established Point of Beginning run North  $00^{\circ}36'32''$  West along the said East Right-of-way line of S. W. 117th Avenue for 293.48 feet to a point on the North line of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 19; thence North  $89^{\circ}22'40''$  East along the said North line of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19 for 632.94 feet to the Northeast corner of the said South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19; thence North  $00^{\circ}32'20''$  West along the West line of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the said Southwest

1/4 of the Northwest 1/4 of Section 19 for 494.71 feet to the Northwest corner of the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence North  $89^{\circ}19'19''$  East along the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 334.27 feet to the Northeast corner of the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence South  $00^{\circ}30'14''$  East along the East line of the West 1/2 of the East 1/2 of the Southwest 1/4 of the said Northwest 1/4 of Section 19 for 740.10 feet; thence South  $89^{\circ}28'16''$  West for 333.82 feet to a point on the East line of the Southwest 1/4 of the said Southwest 1/4 of the Northwest 1/4 of Section 19; thence South  $00^{\circ}32'20''$  East along the said East line of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 30.00 feet; thence South  $86^{\circ}50'49''$  West for 436.68 feet; thence South  $89^{\circ}28'16''$  West for 196.35 feet to the Point of Beginning.

**Exhibit C**

**Dates of Acquisition**

**A. Owner: Manuel C. Diaz**

**PHASE I**

PARCEL 1A

**Date Acquired:** May 11, 1988

The West ½ of the Northeast ¼ of the Northwest ¼ of the Northwest ¼ of Section 19, Township 56 South, Range 40 East lying and being in Miami-Dade County, Florida.

PARCEL 2 ( # 98 )

**Date Acquired:** July 2, 1997

The South 2/5 of the NE1/4 of the SW1/4, less the East 50 feet; and the South 2/5 of the East ¼ of the NW1/4 of the SW1/4; and the South 2/5 of the West ½ of the East ½ of the NW1/4 of the SW1/4, all in Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida.

PARCEL 4 ( # 5 )

**Date Acquired:** September 9, 1988

The West ½ of SE ¼ of SW ¼ of the SW ¼ Less that part lying North of Bailes Road, Section 18, Township 56 South, Range 40 East, Miami-Dade County, Florida, said property being more particularly described as follows:

A portion of the SW ¼ of Section 18, Township 56 South, Range 40 East, Miami-Dade County, Florida being more particularly described as follows:

Commence at the Southwest corner of said SW ¼ of Section 18; thence along the South line of said SW ¼, N89°10'24" East, 670.16 feet to a point of intersection with the West line of the SE ¼ of the SW ¼ of the SW ¼ of Section 18; thence along said West line N1°26'19" West, 40.00 feet to a point on the North Right of way line of the zoned right of way of SW 232nd Street, said point also being the Point of Beginning of the following described parcel of land; thence continue N1°26'19" West, 179.97 feet to a point of intersection with the Southerly right of way line of Bailes Road; thence along said Southerly right of way line S74°50'58" East, 341.74 feet; thence continue along said Southerly right of way line S62°23'21" East, 8.89 feet to a point of intersection with the East line of the West ½ of the SE ¼ of the SW ¼, of the SW ¼ of Section 18; thence along said East line S1°19'57" East, 81.66 feet to a point of intersection with the aforementioned North right of way line of the zoned right of way of SW 232nd Street; thence along said North right of way line lying 40.00 feet, as measured at right angles; North of and parallel with the South line of said SW ¼ of Section 18, S89°10'24" West, 335.15 feet to the Point of Beginning.

**PARCEL 5**

**Date Acquired:** January 3, 1984

The South 107 feet of the West 107.65 feet, Less the East 25 feet of Tract 1 of AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 31, at page 58 of the Public Records of Miami-Dade County, Florida.

**PHASE II**

**PARCEL 4 ( # 45 )**

**Date Acquired:** December 13, 1991

The North 902.55 feet of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  in Section 24, Township 56 South, Range 39 East, Less the East 35 feet thereof, lying and being in Miami-Dade County, Florida.

**B. Owner: Manuel C. Diaz and Emilia F. Diaz**

**PHASE I**

**PARCEL 1( #4, #6, #12, #17 )**

**Date Acquired:** January 7, 1983

All of Northwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County Florida, Less the following:

Beginning at the Southwest corner of the NW  $\frac{1}{4}$ , run North  $0^{\circ}36'32''$  West along West line of said NW  $\frac{1}{4}$  for 530.0 feet; thence run North  $89^{\circ}28'16''$  East parallel to the South line of said NW  $\frac{1}{4}$  for 231.35 feet; thence run North  $86^{\circ}50'49''$  East for 436.68 feet to a point on the East line of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said NW  $\frac{1}{4}$ , thence North  $0^{\circ}32'21''$  West along said East line 30.00 feet; thence run North  $89^{\circ}28'16''$  East parallel to the South line of said NW  $\frac{1}{4}$  for 333.82 feet to the East line of the West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the said NW  $\frac{1}{4}$ , thence South  $0^{\circ}30'15''$  East along said East line for 580.00 feet to the South line of the said NW  $\frac{1}{4}$ , thence South  $89^{\circ}28'16''$  West along said South line for 1000.39 feet to the Point of Beginning.

LESS

West  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ;



LESS

South 264 feet of East  $\frac{5}{8}$  of NW  $\frac{1}{4}$ ;

LESS

North  $\frac{3}{4}$  of NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of NW  $\frac{1}{4}$ ;

LESS

East 50 feet of NW  $\frac{1}{4}$ ;

LESS

West 35 feet of NW  $\frac{1}{4}$ ;

LESS

A portion of the Northwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Commence at the Southwest corner of the Northwest  $\frac{1}{4}$  of Section 19; thence North  $00^{\circ}36'32''$  West along the West line of the said Northwest  $\frac{1}{4}$  of Section 19 for 530.00 feet; thence North  $89^{\circ}28'16''$  East for 35.00 feet to a point on the East Right-of-way line of S. W. 117th Avenue, said point being the Point of Beginning of the parcel herein described; thence from the above established Point of Beginning run North  $00^{\circ}36'32''$  West along the said East Right-of-way line of S. W. 117th Avenue for 293.48 feet to a point on the North line of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 19; thence North  $89^{\circ}22'40''$  East along the said North line of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19 for 632.94 feet to the Northeast corner of the said South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19; thence North  $00^{\circ}32'20''$  West along the West line of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19 for 494.71 feet to the Northwest corner of the said West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19; thence North  $89^{\circ}19'19''$  East along the said West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19 for 334.27 feet to the Northeast corner of the said West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19; thence South  $00^{\circ}30'14''$  East along the East line of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the said Northwest  $\frac{1}{4}$  of Section 19 for 740.10 feet; thence South  $89^{\circ}28'16''$  West for 333.82 feet to a point on the East line of the Southwest  $\frac{1}{4}$  of the said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19; thence South  $00^{\circ}32'20''$  East along the said East line of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 19 for 30.00 feet; thence South  $86^{\circ}50'49''$  West for 436.68 feet; thence South  $89^{\circ}28'16''$  West for 196.35 feet to the Point of Beginning.

AND

That part of the East ½ of the SE1/4 of SW1/4 of SW1/4 of Section 18, Township 56 South, Range 40 East, lying South of Bailes Road, per Clerk's File No 64R-189139.

AND

The West ½ of the Southwest ¼ of the Southwest ¼ of the Southwest ¼ of Section 18, Township 56 South, Range 40 East lying South of Bailes Road, lying and being in Miami-Dade County, Florida.

AND

Tract 6, Less the West 103 feet thereof, of SOUTH MIAMI GARDENS, SECOND AMENDED PLAT, according to the Plat thereof, as recorded in Plat Book 48, at page 28 of the Public Records of Miami-Dade County, Florida.

## **PHASE II**

PARCEL 3 ( # 44 )

**Date Acquired:** January 7, 1983

The East 1/2 of the Northeast ¼ in Section 24, Township 56 South, Range 39 East, Less the East 35 feet thereof, lying and being in Miami-Dade County, Florida.

PARCEL 5

**Date Acquired:** January 7, 1983

A portion of the Northwest 1/4 of Section 19, Township 56 South, Range 40 East, Miami-Dade County, Florida, being particularly described as follows:

Commence at the Southwest corner of the Northwest 1/4 of Section 19; thence North 00°36'32" West along the West line of the said Northwest 1/4 of Section 19 for 530.00 feet; thence North 89°28'16" East for 35.00 feet to a point on the East Right-of-way line of S. W. 117th Avenue, said point being the Point of Beginning of the parcel herein described; thence from the above established Point of Beginning run North 00°36'32" West along the said East Right-of-way line of S. W. 117th Avenue for 293.48 feet to a point on the North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of said Section 19; thence North 89°22'40" East along the said North line of the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 632.94 feet to the Northeast corner of the said South 1/2 of the Northwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence North

00°32'20" West along the West line of the West 1/2 of the Northeast 1/4 of the said Southwest 1/4 of the Northwest 1/4 of Section 19 for 494.71 feet to the Northwest corner of the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence North 89°19'19" East along the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 334.27 feet to the Northeast corner of the said West 1/2 of the Northeast 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19; thence South 00°30'14" East along the East line of the West 1/2 of the East 1/2 of the Southwest 1/4 of the said Northwest 1/4 of Section 19 for 740.10 feet; thence South 89°28'16" West for 333.82 feet to a point on the East line of the Southwest 1/4 of the said Southwest 1/4 of the Northwest 1/4 of Section 19; thence South 00°32'20" East along the said East line of the Southwest 1/4 of the Southwest 1/4 of the Northwest 1/4 of Section 19 for 30.00 feet; thence South 86°50'49" West for 436.68 feet; thence South 89°28'16" West for 196.35 feet to the Point of Beginning.

**C. Owner: Diaz Landscaping & Nursery, Inc., a Florida corporation**

**PHASE I**

PARCEL 3 ( # 14 and # 15 )

**Date Acquired:** August 29, 1979

Tract 5, Less the West 132 feet and Less the East 25 feet thereof, according to the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 31, at page 58 of the Public Records of Miami-Dade County, Florida.

Tract 1, of FLORENCE B. HOLFERTY'S FARM, according to the Plat thereof, as recorded in Plat Book 51 at page 24 of the Public Records of Miami-Dade, County, Florida, Less the following Parcel, to-wit: Begin 25 feet East of the Northwest corner of said Tract 1, thence East 107.65 feet, thence South 107 feet, thence West 107.65 feet, thence North 107 feet to the Point of Beginning.

**PHASE II**

PARCEL 1 ( #11 )

**Date Acquired:** August 29, 1979

All of Tract 1 of the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat book 31, at page 58 of the Public Records of Miami-Dade County, Florida, Less the South 107 feet of the West 107.65 feet, and Less the East 25 feet; And

All of Tract 7 of the 2 ND AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 48, at page 28 of the Public Records of Miami-Dade County, Florida.

PARCEL 2 ( # 7 )

**Date Acquired:** August 29, 1979

The North 262 feet of the East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida.

**6. ADDRESS OR LOCATION OF PROPERTY** (For location, use description such as NE corner of, etc.)

Located between SW 248 Street and SW 232 Street and SW 112 Avenue and SW 119 Avenue,  
West of the Florida Turnpike.

**7. SIZE OF PROPERTY** \_\_\_\_\_ ' x \_\_\_\_\_ ' (in acres): 291.8212± acres  
(divide total sq. ft. by 43,560 to obtain acreage)

**8. DATE** property ☒ acquired ☐ leased: See Exhibit C **9. Lease term:** \_\_\_\_\_ years  
(month & year)

**10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S),** provide complete legal description of said contiguous property. (See notes related to item 5.)

N/A

**11. Is there an option to purchase** ☒ **or lease** ☐ **the subject property or property contiguous thereto?**  
☐ no ☒ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)  
Lennar Homes, Inc.

**12. PRESENT ZONING CLASSIFICATION:** AU

**13. APPLICATION REQUESTS** (Check all that apply and describe nature of the request in space provided)

- ☒ District Boundary Changes (DBC) [Zone class requested]: ADP
- ☐ Unusual Use: \_\_\_\_\_
- ☐ Use Variance: \_\_\_\_\_
- ☐ Non-use Variance: \_\_\_\_\_
- ☐ Alternative Site Development: \_\_\_\_\_
- ☐ Special Exception: \_\_\_\_\_
- ☐ Modification of previous resolution/plan: \_\_\_\_\_
- ☐ Modification of Declaration or Covenant: \_\_\_\_\_
- ☐ \_\_\_\_\_

**14. Has a public hearing been held on this property within the last year & a half?** ☒ no ☐ yes.  
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

**15. Is this application as a result of a violation notice?** ☒ no ☐ yes. If yes, give name to whom the violation notice was served: \_\_\_\_\_ and describe the violation: \_\_\_\_\_

**16. Describe structures on the property:** Existing offices and agricultural structures and equipment.

**17. Is there any existing use on the property?** ☐ no ☒ yes. If yes, what use and when established?  
Use: Farming Year: 70's\*

### DISCLOSURE OF INTEREST\*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Diaz Landscaping & Nursery, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Manuel C. Diaz</u>	<u>100%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:  

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:  

<u>NAME AND ADDRESS</u>	<u>Percent of Ownership</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Lennar Homes, Inc.

<u>NAME, ADDRESS AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<u>Lennar Corporation is a publically traded corporation and is the</u>	<u>100%</u>
<u>parent of the contract purchaser, Lennar Homes, Inc.</u>	
<u></u>	
<u></u>	
<u></u>	

Date of contract: 9/26/2002

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: See Exhibit E attached hereto

(Applicant)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

EXHIBIT E

By: *Manuel C. Diaz*  
Manuel C. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Gilda Zubizarreta*  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

By: *Emilia F. Diaz*  
Emilia F. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Gilda Zubizarreta*  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

Diaz Landscaping & Nursery, Inc.

By: *Manuel C. Diaz*  
Name: Manuel C. Diaz  
Title: President

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Gilda Zubizarreta*  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006



EXHIBIT DBy: Manuel C. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Gilda Zubizarreta  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

By: Emilia F. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Gilda Zubizarreta  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

Diaz Landscaping &amp; Nursery, Inc.

By: Manuel C. Diaz

Name: Manuel C. Diaz  
Title: President

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Gilda Zubizarreta  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

EXHIBIT E

By: Manuel C. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Gilda Zubizarreta  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

By: Emilia F. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Gilda Zubizarreta  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

Diaz Landscaping & Nursery, Inc.

By: Manuel C. Diaz

Name: Manuel C. Diaz  
Title: President

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

Gilda Zubizarreta  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT  
FOR  
CORPORATION

STATE OF Florida

Public Hearing No. \_\_\_\_\_

COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Manuel C. Diaz, hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Diaz Landscaping & Nursery, Inc. Corporation, with the following address: \_\_\_\_\_
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:  
See Attached Exhibit 1
4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

Manuel C. Diaz  
Affiant's signature

MANUEL C. DIAZ  
Print Name

Sworn to and subscribed before me on the 5 day of December, 2002

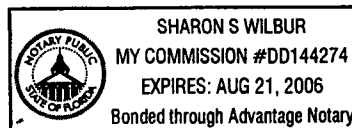
Affiant is personally known to me or has produced as identification.

Sharon S. Wilbur  
Notary Public Signature

SHARON S. WILBUR  
Print Name

My Commission Expires: 8/21/06

State of FLORIDA



**Exhibit 1**

**Owner: Diaz Landscaping & Nursery, Inc., a Florida corporation**

**PHASE I**

PARCEL 3 ( # 14 and # 15 )

**Date Acquired:** August 29, 1979

Tract 5, Less the West 132 feet and Less the East 25 feet thereof, according to the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 31, at page 58 of the Public Records of Miami-Dade County, Florida.

Tract 1, of FLORENCE B. HOLFERTY'S FARM, according to the Plat thereof, as recorded in Plat Book 51 at page 24 of the Public Records of Miami-Dade, County, Florida, Less the following Parcel, to-wit: Begin 25 feet East of the Northwest corner of said Tract 1, thence East 107.65 feet, thence South 107 feet, thence West 107.65 feet, thence North 107 feet to the Point of Beginning.

**PHASE II**

PARCEL 1 ( #11 )

**Date Acquired:** August 29, 1979

All of Tract 1 of the AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat book 31, at page 58 of the Public Records of Miami-Dade County, Florida, Less the South 107 feet of the West 107.65 feet, and Less the East 25 feet; And

All of Tract 7 of the 2 ND AMENDED PLAT OF PORTIONS OF SOUTH MIAMI GARDENS, according to the Plat thereof, as recorded in Plat Book 48, at page 28 of the Public Records of Miami-Dade County, Florida.

PARCEL 2 ( # 7 )

**Date Acquired:** August 29, 1979

The North 262 feet of the East ½ of the Northwest ¼ of the Northwest ¼ of the Southwest ¼ of Section 19, Township 56 South, Range 40 East, lying and being in Miami-Dade County, Florida.

(Space reserved for Clerk)

OWNERSHIP AFFIDAVIT  
FOR  
INDIVIDUAL

STATE OF Florida  
COUNTY OF Miami-Dade

Public Hearing No. \_\_\_\_\_

Before me, the undersigned authority, personally appeared Manuel C. Diaz, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:

See Attached Exhibit 1

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Sworn to and subscribed before me on the 5 day of December, 2002.

Affiant is personally known to me or has produced as identification.

x/Manuel C. Diaz  
Affiant's signature  
MANUEL C. DIAZ  
Print Name

Sharon S. Wilbur  
Notary Public Signature  
SHARON S. WILBUR  
Print Name

State of FLORIDA

My Commission Expires: 8/21/06

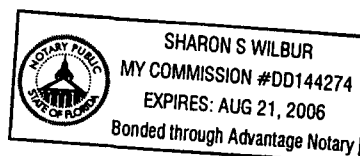


EXHIBIT D

By: *Manuel C. Diaz*  
Manuel C. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Gilda Zubizarreta*  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

By: *Emilia F. Diaz*  
Emilia F. Diaz

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Gilda Zubizarreta*  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

Diaz Landscaping & Nursery, Inc.

By: *Manuel C. Diaz*  
Name: Manuel C. Diaz  
Title: President

Sworn to and subscribed before me this 6<sup>TH</sup> day of DEC., 2002. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

*Gilda Zubizarreta*  
(Notary Public)  
My commission expires 7/19/06



Gilda Zubizarreta  
My Commission DD123738  
Expires July 19, 2006

### APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

\*\*\*\*\*

### OWNER OR TENANT AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) the ☒ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\*\*\*\*\*

### CORPORATION AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) the ☒ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: \_\_\_\_\_

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Office Held

(Corp. Seal)

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

\*\*\*\*\*

### PARTNERSHIP AFFIDAVIT

(I)(WE), \_\_\_\_\_, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By \_\_\_\_\_ %  
By \_\_\_\_\_ %

\_\_\_\_\_  
(Name of Partnership)  
By \_\_\_\_\_ %  
By \_\_\_\_\_ %

Sworn to and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

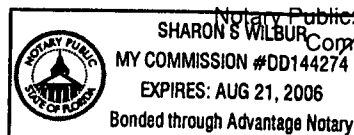
\*\*\*\*\*

### ATTORNEY AFFIDAVIT

I, Miguel Diaz de la Portilla, Esq., being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me  
this 5 day of Dec., 2002.



## RESPONSIBILITIES OF THE APPLICANT

### I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. I am aware that filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property and I am responsible for paying the additional radius mailing costs. In addition to mailing costs, I am responsible for additional fees related to application changes, plan revisions, deferrals, re-advertising, etc., that may be incurred. I understand that fees must be paid promptly. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. Refunds must be requested in writing.
3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3<sup>rd</sup> District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3<sup>rd</sup> DCA 2002), the 3<sup>rd</sup> District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

See Exhibit D attached hereto

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Print Name)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
(Notary Public)  
My commission expires \_\_\_\_\_